

Commonwealth of Massachusetts

County of Suffolk
The Superior Court

10/26

10

CIVIL DOCKET# SUCV2005-02032

Sherwin Cooperstein, et al
vs.

Cape Cod Health Care Inc

Notice sent
10/26/2005

R. A. M.

M. & A.

G. S. S.

S. S. & K.

E. T. H. S. & W.

FINDING OF THE MEDICAL MALPRACTICE TRIBUNAL

(Pursuant to M.G.L. Chapter 231, Section 60(b) as amended)

The above entitled action came on for hearing before the appointed medical tribunal on 10/24/2005, and was argued by counsel, and thereupon, upon consideration thereof, the plaintiff(s) offer of proof, pleadings, hospital records and other documents presented, the tribunal finds:

(sc)

*(1) For the plaintiff(s) Sherwin Cooperstein and that the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

*(2) For defendant(s) _____ because the plaintiff(s) _____ action is merely an unfortunate medical result.

If a finding is made for the defendant or defendants in the above entitled action the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of Six Thousand (\$6,000.00) Dollars in the aggregate secured by cash or its equivalent with the Clerk/Magistrate of this court, payable to the defendant or defendants in said action for costs assessed, including witness and expert fees and attorneys fees if the plaintiff(s) does/do not prevail in the final judgment. The presiding justice may, withing his/her discretion, increase the amount of the bond required to be filed. If said bond is not posted within thirty (30) days of the tribunal's finding the action shall be dismissed. Upon motion filed by the plaintiff(s), and a determination by the court that the plaintiff(s) is/are indigent said justice may reduce the amount of the bond but may not eliminate the requirement thereof.

Dated: 10/24/2005

Justice of the Superior Court

Legal Member:

Medical Member:

*strike inapplicable words

Kyle D. Hart

Associate Justice of the Superior Court Dept.

William Faby

Attorney - Tribunal Member

Paul W.

*Physician - Tribunal Member

*Health Care Provider - Tribunal Member

cm